IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 335 OF 2005

Ganesh Waghji Patel. ... Appellant.
Versus.
Oshiwara Samruddhi Coop.
Housing Society Ltd. ... Respondent.

Ms.A.P.Pandhye i/by Shri J.J.Shah for the Appellant.

Shri Ahmed Bbdi for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 15th March, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. The Appeal is filed by the original Plaintiff challenging the order dated 17th September 2002. By the order impugned the Notice of Motion for interim relief taken out by the Appellant has been dismissed.

2. There is no ad-interim relief operating in favour of the Appellant/Plaintiff from 17th September 2002. The order impugned is a discretionary order and after lapse of time of more than 2-1/2 years no interference is called for. The Appeal is dismissed with no order as to costs.

3. It is needless to say that the suit will be decided on its own merits without being influenced by the prima facie findings recorded in the impugned order. It will be open for the Appellant to apply for expeditious hearing of the suit.

Judge.